

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

PETER AUSTIN HOLLAND

CASE NO. 02-60385-CIV-MARRA

Magistrate Judge White

00-6317CRWDF

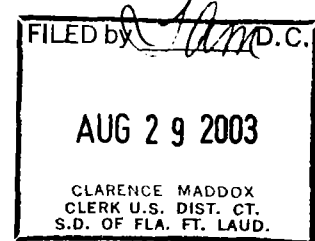
Petitioner,

vs.

UNITED STATES OF AMERICA,

Defendant.

**CLOSED  
CIVIL  
CASE**



**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

THIS CAUSE is before the Court upon the Magistrate Judge's Report and Recommendation.

THE COURT has considered the Report and Recommendation, the pertinent portions of the record, and is otherwise fully advised in the premises.

Upon a de novo review of the record, the Court agrees with the Magistrate Judge's factual determination that the Petitioner knew that a direct appeal had not been filed sufficiently in advance of his April 11, 2001 deadline for raising that issue in his Section 2255 petition.<sup>1</sup>

Accordingly, it is ORDERED and ADJUDGED that the Magistrate Judge's Report and Recommendation is ADOPTED and the Court Overrules Petitioner's Objection to the Report and

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<sup>1</sup> It should be noted that the Magistrate Judge's Report and Recommendation, on page 5, incorrectly indicated that the sentencing date was on May 29, 2001. The Magistrate Judge's Report and Recommendation correctly indicated on page 1 of the Report and Recommendation that the sentencing was on March 29, 2001.

Recommendation. Therefore it is ORDERED and ADJUDGED as follows:

1. The motion to vacate pursuant to 28 U.S.C. § 2255 is DENIED.
2. All motions related to this civil case not otherwise ruled upon are dismissed as moot.
3. The Clerk shall CLOSE the case.

DONE AND SIGNED in Chambers at Fort Lauderdale, Broward County, Florida, this

29<sup>th</sup> day of August, 2003.

  
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KENNETH A. MARRA  
United States District Judge

Copies furnished to:

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